

Sentencing

In a criminal case, if the defendant is convicted, the judge will set a date for sentencing. The time between conviction and sentence is most often used in the preparation of a pre-sentence investigation report. This



report is prepared by the U.S. Probation Office. At the time of sentencing the judge will consider both favorable and unfavorable facts about the defendant before determining the appropriate sentence to impose. The function of imposing sentence is exclusively that of the judge. The judge has a wide range of alternatives to consider and may place the defendant on probation (where the defendant is released in the community under the supervision of the court for a period of years), or place the defendant in jail for a specific period of time, or impose a fine, or formulate a sentence involving a combination of these factors.

The court will also consider requiring the defendant to make restitution to victims who have suffered physical or financial damage as a result of the crime. If you are a victim, you should cooperate fully with the Assistant U.S. Attorney and the Probation Officer on preparing information regarding the impact of the crime and the need for restitution.

Victim Impact Statements

The U.S. Probation Officer is required to prepare a Victim Impact Statement so that their pre-sentence report will fully reflect the effect of the crime upon the victim. If you want to complete a "Victim Impact Statement" and have not received one from the U.S. Probation Office, please notify the U.S. Probation Office or the Victim/Witness Unit as soon as possible. Victim Impact Statements are your voice in the criminal justice system during the sentencing phase of the case. You have the right to complete one and submit it to the sentencing Judge.

In crimes of violence or sexual abuse, federal prosecutors shall advocate fully to the court the right of the victim to make a statement or present information in relation to the offender's sentence if the victim is present and wishes to do so.

Federal Bureau of Prisons Victim/Witness Notification Program

The Victim and Witness Protection Act of 1982 and The Attorney General's Guideline for Victim and Witness Assistance set forth procedures intended to "enhance the assistance which victims and witnesses provide in criminal cases and to assist victims in recovering from their injuries and losses to the fullest extent possible consistent with available resources." A major component of these directives mandates that all law enforcement agencies ensure victims and witnesses are advised of the significant stages in the criminal justice process. The stages include all proceedings in the prosecution of the accused, including entry of a plea of guilty, trial, sentencing and where a term of imprisonment is imposed, and the release of the individual from such imprisonment.

In accordance with these directives, the Federal Bureau of Prisons implemented the Victim and Witness Notification Program in April, 1984. This program established procedures to be followed in responding to a request from a victim or witness who wished to be notified regarding a specific inmate's release or release proceedings. Accordingly, any victim or witness of serious crime who wishes to participate in this program must make this request to the U.S. Attorney in the district where the prosecution of the inmate occurred. The designated Victim/Witness Coordinator of that U.S. Attorney's Office forwards this request to the Bureau of Prisons' Office of Victim Assistance, Washington, D.C. After it is confirmed that the offender is in federal custody, the request is forwarded to the warden of the institution where the inmate is confined. The victim or witness will then be kept informed of all significant release related activities pertaining to the inmate.



Release Activities

PAROLE HEARINGS: For all inmates serving indeterminate sentences, the victim/witness will be notified of the inmate's parole eligibility date as well as the date and place of all parole hearings. This notification includes instructions for submitting written comments to the U.S. Parole Commission or notifying the Commission should the victim/witness wish to appear in person for the hearing. (*There is no parole for offenses committed after November, 1987.*)

DEATH: If an inmate dies during incarceration, the victim/witness will be notified of the date of death.

ESCAPE: A victim/witness will be notified by telephone of the date and time of an inmates' escape, as soon as possible after the escape is discovered. Once the inmate is apprehended, the victim/witness will be advised of the apprehension and the current location of the inmate.

TRANSFER TO A COMMUNITY CORRECTIONS CENTER: Upon verification an inmate has been approved for transfer to a Community Corrections Center (Halfway House), the victim/witness will be advised of the name and location of the facility, the date of transfer, and the tentative date the inmate is scheduled for release into the community. Transfers to Community Corrections Centers ordinarily occur three to six months prior to the inmate's final release date to the community.

FURLOUGH: Should an inmate be approved for an unescorted trip in the community, the victim/witness will be notified of the beginning and ending dates, as well as the specific locations of the furlough. Furloughs ordinarily occur within the inmate's final year of confinement.

PAROLE/FULL-TERM EXPIRATION/MANDATORY RELEASE/GOOD CONDUCT TIME RELEASE: Prior to an inmate's release to the community, without the benefit of a Community Corrections Center, the victim/witness will be notified of the date of release, the city and state of destination and supervising U.S. Probation Office, if applicable.